IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

RP.No. 846 of 2007(R)

AGAINST THE JUDGEMENT/ORDER IN WPC.13807/2006 Dated 17/07/2007

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REVIEW PETITIONERS/RESPONDENTS
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1. M/S SAKTHI MATHA CASHEW COMPANY,
REPRESENTED BY ITS MANAGING PARTNER & PARTNER,
NALLILA, NEDUMPANA, KOLLAM.

2. RAJAN, MANAGING PARTNER,
M/S SAKTHI MATHA CASHEW COMPANY,
NEDUMPANA, NALLILA, RESIDING AT
PLAVILA RAJ NIVAS, NEDUMPANA, NALLILA.

3. T.O.JOHNSON, PARTNER,
M/S SAKTHI MATHA CASHEW COMPANY,
NEDUMPANA, NALLILA, RESIDING AT
JOLLIYIL, PANAYAM, PERINADU, KOLLAM.

BY ADV. SRI.N.HARIDAS
SRI.P.N.SASIDHARAN

RESPONDENT: PETITIONER

M.NARENDRAN NAIR, INDU VIHAR,
PULIYATHUMUKKU, AYATHIL, KILIKOLLOOR,
KOLLAM.

BY ADV. R. KRISHNA RAJ.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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R.P. 846 OF 2007 IN

WPC 13807 OF 2006

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Dated this the 25th day of September, 2007.

O R D E R

This Review Petition is filed by the decree holder against the order passed by me in WPC 13807 of 2006. After considering the matter this Court remitted back the case to the trial court for fresh disposal regarding the plea of no means. Now the learned counsel for the review petitioner namely the decree holder wants to incorporate a sentence regarding the question of plea of no means on the ground that the judgment debtor is precluded by the provisions of the CPC in raising the plea of no means. Therefore, it is a matter which has to be taken into consideration and therefore at the time of consideration of the petition afresh the execution Court shall also consider where there is any legal bar for the judgment debtor to raise the plea of no means after hearing both sides. The review petition is disposed of accordingly.

This order shall be appended to the original order and transmit to the Court below and a copy be also issued to the parties.

M.N. KRISHNAN, JUDGE.

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